

Board of Mayor and Aldermen
Regular Meeting, Nolensville Elementary School
Thursday, February 3, 2005, 7:00 p.m.

Mayor Charles Knapper opened the meeting at 7:04 p.m. Members present were Mayor Knapper, Aldermen Jimmy Alexander, Joe Curtsinger, Tommy Dugger, and Larry Felts. Counsel Robert Notestine, Town Engineer Rich Woodroof and Recorder Cindy Lancaster. There were 43 citizens present.

Mr. Willis Wells led the prayer. Cub Scout Troop Pack 297, Den 9 led the pledge.

Mayor Knapper asked if there were any citizens that had comments. There were no comments from the audience.

Alderman Curtsinger made a motion to approve the minutes from January 6, 2005, Alderman Felts seconded. The minutes were approved unanimously.

Alderman Felts made a motion to approve the treasurer's report, Alderman Alexander seconded. Recorder Lancaster noted that the cash on hand for the General Fund was \$623,037.86, with cash disbursements being \$45,000. State Street Aid cash on hand was \$119,986.98 with total cash on hand being \$743,024.84. The treasurer's report was unanimously approved.

Mr. Willis Wells Planning Commission Chair reported the following:

- Officers were elected.
- Nolensville Road widening recommendation was discussed and a workshop was scheduled.
- Rezoning request was made.
- Blue Bell was approved with conditions.
- Nolensville Family Care was approved with conditions.
- Clovercroft 50' right of way was approved.
- Bent Creek requested 8' driveways, this was approved.
- Gresham Smith discussed Sunset Road.
- McFarlin property was discussed.
- Monthly bond report was discussed.
- Historic Commission zoning ordinance amendment was approved.

Alderman Curtsinger noted that the subdivision regulations or the zoning ordinance does not address 8' driveways. He stated that he had measured 8' and it is extremely small. Another concern of Alderman Curtsinger was the collector road on Clovercroft. There was extensive discussion on both of these issues and the process for these issues to be reviewed. Counsel Notestine noted that once the Planning Commission makes a decision there is a "vested right". Currently he is aware of a case that another city reversed the Planning Commission decision and they are in court claiming they had a vested right. Counsel further noted that the subdivision regulations are controlled totally by the Planning Commission. Mayor Knapper stated that the driveways can be placed on the Planning Commission agenda to be reviewed again. Alderman Curtsinger requested that the collector road issues and the driveway issues be placed on the Planning Commission agenda.

Betty Friedlander reported for the Historic Commission:

- There will be an official meeting at the end of the month.
- Grants will be discussed.

Chief Presley Hughes reported for the Nolensville Volunteer Fire Department.

- Thanked everyone for attending the field trip.
- Noted the budget process was beginning.
- Extraction class to be held in March.
- Have not heard from FEMA grant.

Rich Woodroof, Town Engineer/Codes Official reported for the Codes Department.

- 86 inspections were performed
- 63 permits issued
- Preliminary review on standing water at Stonebrook and Industrial Boulevard.
- On the list with the county for road improvements.
- Fischbach has reviewed Sunset Road project and has approved.

Mayor Knapper reported for the Police Department.

- Stated a written report would be forthcoming for the board.

Mayor Knapper reported for the Public Works

- Stated a written report was submitted to the board

Mayor Knapper reported for the town hall committee.

- This committee will reconvene in the near future.
- A preliminary drawing will be reviewed by the Board of Mayor and Aldermen.

Mayor Knapper's report:

Mayor Knapper noted that the Capital Improvements Budget would be forthcoming. He had met with MTAS to revise the budget to reflect the City Hall purchase. He had met with County Mayor Rogers Anderson and Parks and Recreation Director Doug Hood. They are encouraging cities to pay a portion and the county pay a portion for various items such as fire hall and recreation centers. They are encouraging joint ventures. This will be a part of this budget.

Mayor Knapper noted that he has interviewed several individuals for town planner. Once they are narrowed the board will then interview the candidates.

Annexation lawsuits are pending.

Counsel Notestine noted that there have been some issues concerning streets and drainage. In the past each case has been reviewed individually. A written policy was submitted to the board and Counsel Notestine went over this recommendation. Mayor Knapper ask that the board approve this policy. Alderman Alexander made a motion to

formally approve this policy, Mayor Knapper seconded. Alderman Curtsinger noted that he and Town Engineer had reviewed some issues and there are some problems that the homeowners need to maintain portions of their property. The policy was then unanimously approved.

Second reading of Ordinance #04-18, an ordinance to amend ordinance #04-09. Counsel briefly discussed the various amendments within the ordinance. Alderman Felts made a motion to approve this ordinance, Alderman Curtsinger seconded and this passed unanimously.

Mayor Knapper asked the board to suspend the agenda to move to first reading of Ordinance #05-02, and then come back to Ordinance #05-01.

First reading of ordinance #05-02, an ordinance to amend zoning ordinance #04-09, to reclassify property. Town Engineer Rich Woodroof showed an enlarged map which indicated the various zoning adjacent to the property that was being discussed. Alderman Alexander made a motion to approve this ordinance, Alderman Dugger seconded. Mayor Knapper noted that the Planning Commission had voted six for the request and 3 against. Alderman Dugger stated that previously when there has been a request the board knew what would be built on the property. The Engineer with the project, Mr. Mike Anderson, introduced Mr. Fred Yazdin, owner of the property. Mr. Yazdin stated that a 20,000 square foot building would be built to house an Electronic Express. He further stated that the property behind would be donated to the city for a soccer field. Alderman Alexander asked if the Electronic Express would be housed in the entire 20,000 square feet? Mr. Yazdin stated that it would. Alderman Curtsinger asked what percentage would be in the flood plain? Mr. Anderson stated that out of the 16 acres approximately 4 to 5 can be developed. Alderman Curtsinger asked if it would be brought up to grade in regards to Nolensville Road. Mr. Anderson stated that some of it could be manipulated. Alderman Curtsinger stated that he was concerned with buffering. Alderman Felts was concerned about the parking. Alderman Alexander stated that he is comfortable with zoning this property commercial, noting it would increase the number of commercial zoning in Nolensville. He asked if the acreage in the flood plain be zoned estate residential. Mayor Knapper reminded the board that we are currently in a lawsuit with split zoning and he would not recommend doing this. Mr. Anderson showed the board a drawing of a concept plan. The vote was taken with Mayor Knapper, and Aldermen Alexander, Dugger and Felts for, and Alderman Curtsinger against.

First reading of ordinance #05-03, an ordinance to amend zoning ordinance #04-09. Counsel Notestine noted that this is a housekeeping ordinance. It is clarifying a portion within the zoning ordinance that pertains to the Historic Commission. Alderman Felts made a motion to approve this ordinance, Alderman Dugger seconded and this passed on first reading unanimously.

Reading of Resolution #05-04, a resolution to enter into an agreement with Mr. John Poole to perform the town's annual audits. Alderman Dugger made a motion to approve this resolution, Mayor Knapper seconded and this passed unanimously.

Reading of Resolution #05-05, a resolution to amend the Personnel Policy Manual. Counsel Notestine stated that this is a recommendation from MTAS. He noted that this is an issue that came up when the police department hired a full-time officer. Alderman Felts made a motion to approve, Mayor Knapper seconded and this passed unanimously.

First reading of Ordinance #05-01, an ordinance to amend sprinkler ordinance #04-02. Alderman Dugger made a motion to approve this ordinance, Mayor Knapper seconded. Alderman Dugger noted that there is a typographical error. In the first section it refers to (A), this should be (B). He further stated that he commended Chief Hughes on the presentation in Pleasant View. He certainly understands where the Fire Department and Chief Hughes is coming from, although he feels this amendment gives people a choice. Alderman Felts noted that he did not see anything in regards to square footage. Alderman Dugger noted that when B is deleted, it will then go to zero square footage. Alderman Felts stated that he has been a big proponent for this ordinance and currently it says \$.80 per square foot, he would like to see this increased to \$1.25. Alderman Curtsinger stated that this board is not here to pass a sprinkler ordinance, there is one currently in place. The intent for passage was for life safety. You can't make it an option to save lives. He commended the ordinance for being zero square footage. Alderman Curtsinger noted that the field trip was good and it was awesome to see the time between the sprinkler going off and the smoke detector going off. He does not think a family would want to put their family in jeopardy. Further it is not a guarantee that the money will go to the Fire Department. He stated that he was for taking the square footage to zero, but not make it an option.

Alderman Dugger asked if he would retro fit his home, or ask other residents to retro fit their homes. Alderman Curtsinger stated that he is having someone come to view his home for sprinklers.

Mayor Knapper demonstrated to the audience the figures that could possibly be generated for the fire department. He noted that \$42,964 was budgeted to the fire department with \$211,427 being the police budget. He demonstrated that with Alderman Dugger's proposal, with Alderman Felts recommended increase of \$1.25, there could be a possible \$525,000 generated. He further stated that this was a figure if all opted not to have the sprinkler systems, although if all the residents wanted sprinkler systems that would be great also. Mayor Knapper stated that after discussing this concept with MTAS, they informed him that there could be a "Public Safety" fund.

Alderman Curtsinger stated that he could see the Mayor's point, but most of these homes are in the PUD, so most will be sprinkled. He further noted that County Mayor Rogers Anderson has said that he is obligated to serve Nolensville. Mayor Knapper noted that the Urban Growth Boundary law states that you must provide services.

Alderman Felts noted that this is first reading.

Alderman Alexander stated that he does agree with a lot of what Alderman Curtsinger is saying, but said that if this is passed he feels it would be an improvement.

Alderman Curtsinger noted again that it was initially passed for life safety purposes.

Alderman Dugger stated that it was passed on life safety and it started out with 3,000 square feet. It has now been decreased to zero.

Alderman Felts made a motion to amend by replacing (A) with (B), and \$.80 to \$1.25, Alderman Alexander seconded.

Alderman Curtsinger stated that it should be raised to \$3.00 or \$4.00. Counsel noted that this would be more than the adequate facilities tax and he is not sure of the legalities.

The vote was then taken with Mayor Knapper, Aldermen Alexander, Dugger and Felts for the amendment, Alderman Curtsinger against.

Alderman Curtsinger made a motion to amend \$1.25 to \$4.00, Alderman Alexander seconded. Alderman Dugger said that he felt \$4.00 was unreasonable. Alderman Alexander stated that if you raise it to \$4.00, the developer will place the sprinklers in all homes. The vote was then taken for the amendment, Alderman Curtsinger for, Mayor Knapper, Aldermen Alexander, Dugger and Felts against.

The vote was then taken to pass the ordinance on first reading as amended. Mayor Knapper, Aldermen Alexander, Dugger and Felts for, Alderman Curtsinger against.

Alderman Curtsinger stated that residents on Cowan Drive have requested that a gate be placed on this road like the one that will be erected on Rolling Hills Drive into Nolen Park.

Alderman Alexander stated that he has received some phone calls and he met with the Ballenger Farms engineer. He stated that they have come up with a plan, although they are not required to do anything due to already having an approved plan. This is merely an attempt to solve a concern.

Alderman Felts stated that he would like to see a resolution next month for Alderman Rositano in regards to the name change on Nolensville Road.

Mayor Knapper adjourned the meeting at 9:00 p.m.

Respectfully submitted,

Cindy Lancaster
Town Recorder

Approved,

Charles F. Knapper
Mayor